

AARON D. FORD  
Attorney General  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
State of Nevada  
Public Safety Division  
100 N. Carson Street  
Carson City, NV 89701-4717  
Tel: (775) 684-1150  
E-mail: drands@ag.nv.gov

*Attorneys for Defendants  
Marsha Johns and David Mar*

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COUNSEL/PARTIES OF RECORD	
<b>JUL 30 2019</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PETER M. BERGNA,  
Plaintiff,  
vs.  
MARSHA JOHNS, et al.,  
Defendants.

Case No. 3:17-CV-00412-MMD-CBC

*ORDER*  
**MOTION FOR EXTENSION OF TIME TO  
FILE DISPOSITIVE MOTIONS  
(First Request)**

Defendants, Marsha Johns and David Mar, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Robert W. DeLong, Deputy Attorney General, hereby submit their Motion for Extension of Time to File Dispositive Motions (First Request). This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. ARGUMENT**

Defendants respectfully request a sixty (60) day extension of time out from the current deadline (August 2, 2019) to file dispositive motions in this case. Defense counsel has recently been reassigned this matter from another attorney. Defense Counsel requests an extension of time to familiarize himself with this claim. Additionally, Counsel is in the process of preparing for a Jury Trial in this Court. Counsel for the Defendants is scheduled to be second chair on a trial in the United States District Court for the District of Nevada. Counsel is scheduled to assist Ms. Gerri Hardcastle as second chair in a trial in front of Judge Robert C. Jones, 3:15-cv-00543-RCJ-CBC. Ms. Hardcastle has less trial experience

1 than Counsel. In order to provide the best representation to the Client, a decision was made that  
2 Counsel would assist in the trial of the Gruber matter. However, trial preparation is ongoing, and will  
3 take additional time this week to be fully prepared.

4 Defense counsel also submits that this Division has experienced a wave of recent retirements  
5 and departures. Although the Division is depleted, new Deputy Attorneys General (DAGs) should be  
6 arriving in early August to help restore normal functionality. Defense counsel respectfully requests this  
7 extension to accommodate the new arrivals and the Division during this transition period.

8 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:


9 When an act may or must be done within a specified time, the court may,  
10 for good cause, extend the time: (A) with or without motion or notice if  
11 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

12 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a  
13 thorough briefing to narrow or eliminate issues in this case. The requested sixty (60) day extension of  
14 time should permit the parties time to adequately research draft, and submit dispositive motions in this  
15 case. Defendants assert that the requisite good cause is present to warrant the requested extension of  
16 time.

17 For these reasons, Defendants respectfully request a sixty (60) day extension of time from the  
18 current deadline to file dispositive motions in this case, with a new deadline to and including Tuesday,  
19 October 1, 2019.

20 DATED this 29th of July, 2019.

21 AARON D. FORD  
22 Attorney General

23 By:   
24 DOULGAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General

25 *Attorneys for Defendants*

26  
27 IT IS SO ORDERED

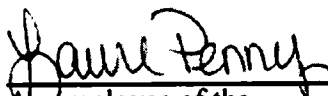
28   
U.S. MAGISTRATE JUDGE

DATED: 7/30/2019

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29<sup>th</sup> day of July, 2019, I caused to be served, a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS (First Request)**, by U.S. District Court CM/ECF Electronic Filing on:

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An employee of the  
Office of the Attorney General

# DECLARATION

DOUGLAS R. RANDS

DECLARATION

**DECLARATION OF DOUGLAS R. RANDS**

1  
2 1. I, Douglas R. Rands, am over the age of 18 and am otherwise fully competent to testify  
3 to the facts contained in this declaration.

4 2. The statements contained in this declaration, except where otherwise indicated to be  
5 upon information and belief, are based on my personal knowledge and experience.

6 3. I am an Attorney licensed to practice law in the Federal District Court for the District of  
7 Nevada.

8 4. In connection with the filing of this declaration, I submit this declaration in support of  
9 Defendant's Motion for Extension of time in the matter entitled *Bergna v Johns, et al.*, currently  
10 pending in the United States District Court, District of Nevada as Case No. 3:17-CV-00412-MMD-  
11 CBC.

12 5. Defense counsel has recently been reassigned this matter from another  
13 attorney.

14 6. I am in the process of preparing for a Jury Trial in this Court. I am scheduled,  
15 be second chair on a trial in the United States District Court for the District of Nevada.

16 7. This week, I am involved in trial preparation, which will take additional time this week  
17 to be fully prepared.

18 8. Defense counsel also submits that this Division has experienced a wave of  
19 recent retirements and departures. Although the Division is depleted, new Deputy  
20 Attorneys General (DAGs) should be arriving in early August to help restore normal  
21 functionality.

22 FURTHER I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is  
23 true and correct.

24 EXECUTED this 29th day of July, 2019

25  
26   
27 \_\_\_\_\_  
28 Douglas R. Rands